

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ELIZABETH PATTERSON, *an individual*,

No. 3:23-cv-01298-AR

Plaintiff,

OPINION AND ORDER

v.

LEGACY HEALTH, *a corporation*,

Defendant.

BAGGIO, District Judge:

On December 27, 2024, Magistrate Judge Jeff Armistead issued his Findings and Recommendation (“F&R”, ECF 16), recommending that Defendant’s Motion to Dismiss (ECF 4) be granted in part and denied in part. Plaintiff and Defendant both objected (ECF 18 & 19). Defendant responded to Plaintiff’s objections (ECF 20). This Court ADOPTS Judge Armistead’s F&R.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. § 636(b)(1)(B), (C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the

magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

The Court has carefully considered Plaintiff and Defendant's objections and concludes that there is no basis to modify the F&R. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's F&R.

CONCLUSION

The Court ADOPTS Judge Armistead's Findings and Recommendation (ECF 16). Therefore, Defendant's Motion to Dismiss (ECF 4) is GRANTED in part and DENIED in part. Plaintiff's disability discrimination claims are DISMISSED with prejudice. Additionally, Plaintiff is required to file a motion to amend if she wishes to add new claims.

IT IS SO ORDERED.

DATED this 4th day of February, 2025.

Amy M. Baggio

AMY M. BAGGIO
United States District Judge